

Medical Care for Wards and Pre-adoptive Children

1. This MILPER message will expire NLT September 1999.
2. Military treatment facility care and Civilian Health And Medical Program of the Uniformed Services (CHAMPUS) eligibility for surviving dependents of "GREY AREA" reserve members.
3. Extend military treatment facility care and CHAMPUS eligibility to surviving dependents of reserve members, who, at the time of their death, were eligible for retired pay but died before reaching age 60. Surviving dependents may not be given such care until the date on which the member would have reached age 60. This change shall apply with respect to medical benefits to this category of beneficiary provided on or after 10 February 1996.
 - a. This change removes the requirement that a member must have elected to participate in the Survivor Benefit Plan in order for the surviving dependents to be eligible for medical care when the member would have attained age 60, should the member die before reaching age 60.
3. Military treatment facility care and Civilian Health and Medical Program of the Uniformed Service=s (CHAMPUS) eligibility for preadoptive children.
 - a. This shall clarify eligibility requirements for medical benefits for preadoptive children with respect to determinations of dependency made on or after 5 October 1994. For purposes of eligibility for military treatment facility care and CHAMPUS eligibility, a preadoptive child is an unmarried person who:
 - (1) Is placed in the home of the member or former member by a placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the person by the member, and who:
 - (a) has not attained the age of 21;
 - (b) has not attained the age of 23, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was at the time of the members or former members death, in fact dependent on the member or former member for over one-half of the child's support, or
 - (c) is incapable of self-support because of a mental or physical incapacity that occurs while a dependent of a member or former member under clause (1) or (2) and is, or was at the time of the member's or former member=s death, in fact dependent on the member or former member for over one-half of the child=s support.
4. Military treatment facility care and Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) eligibility for wards.
 - a. This shall clarify eligibility requirements for medical benefits for wards with respect to determinations of dependency made on or after 1 July 1994 for any dependent ward of a retired member, or a ward, who,. as a result of being placed in legal custody, would otherwise qualify as a surviving dependent of a deceased active duty member or a deceased reservist; and with respect to determinations of dependency made on or after 5 October 1994 for any dependent ward of an active duty member or former active duty members currently under the Transition Assistance Management Program (TAMP) or (TA).
 - b. For purposes of military treatment facility care and CHAMPUS eligibility, a ward is an unmarried person who:

(1) Is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or a territory or possession of the United States) for a period of at least 12 consecutive months, and

(a) Has not attained the age of 21;

(b) Has not attained the age of 23 and is enrolled in a full-time course of study at an institution of higher learning approved administering secretary; or

(c) Is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a Dependent of the member or former member under this subparagraph pursuant to subclause (a) or (b);

(3) Is dependent on the member or former member for over one-half of the persons support;

(4) Resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the administering secretary may by regulation prescribe; and

(5) Is not a dependent of a member or former member under any other category.

5. These changes and procedures will be incorporated in the new Joint Uniformed Services ID Card Regulation (AFJI 36-3026) which will replace all current service specific ID card regulations including AR 600-8-14. This new regulation is presently being drafted and is projected to be released to the field during mid FY 97.